

Decision 15-08-012 August 13, 2015

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Mohammad Marzi, doing business as U.S. Traveler Shuttle, for authority to operate as a passenger stage corporation between points in the Counties of San Francisco, Contra Costa, Alameda, Santa Clara, Solano, Napa, Marin, Sonoma, San Mateo, San Joaquin, Stanislaus, Monterey, Santa Cruz, Fresno and Sacramento and the San Francisco, Oakland and San Jose International Airports and to Grant a ZORF (zone of rate freedom) applicable to the fares authorized.

Application 14-09-016
(Filed September 26, 2014)

D E C I S I O N G R A N T I N G A P P L I C A T I O N

Summary

This decision grants the application of Mohammad Marzi, doing business as U.S. Traveler Shuttle, an individual, pursuant to Pub. Util. Code § 1031 et seq., for a Certificate of Public Convenience and Necessity to operate as a Passenger Stage Corporation, as defined in Pub. Util. Code § 226, and to establish a Zone of Rate Freedom, pursuant to Pub. Util. Code § 454.2.

Discussion

Mohammad Marzi, doing business as U.S. Traveler Shuttle (Applicant), requests authority to operate as an on-call Passenger Stage Corporation (PSC) to transport passengers and their baggage and between points in the following Counties: San Francisco, Contra Costa, Alameda, Santa Clara, Solano, Napa, Marin, Sonoma, San Joaquin, Monterey, Santa Cruz, San Mateo, Fresno,

Stanislaus and Sacramento and the San Francisco (SFO), Oakland (OAK) and San Jose (SJC) International Airports.

Applicant is experienced in providing transportation services for the traveling public to and from the points in the involved area and has been employed as a shuttle van and taxi driver. Applicant's proposed service will meet the public's needs for transportation to the airports and will assist in reducing traffic and airport parking congestion.

The balance sheet submitted by Applicant shows assets of \$58,000, no liabilities, with a net worth of \$58,000.

The proposed tariffs filed with the application, are attached as Exhibit B and are adopted herein. Applicant requests authority to establish a Zone of Rate Freedom (ZORF) of \$25 above and below the proposed fare. The minimum fare will be \$20. Applicant will compete with other PSCs, taxicabs, charter limousines and sedans, public transit, and private automobiles in the service area. This highly competitive environment should result in Applicant pricing its services at a reasonable level. Many other PSCs have been granted ZORFs. The requested ZORF is generally consistent with the ZORFs held by other PSCs.

Notice of filing of the application appeared in the Commission's Daily Calendar on October 1, 2014. Applicant requests a waiver from the notice requirements of Rule 3.3(b) of the Commission's Rules of Practice and Procedure, which require that a copy of the application be served on each public transit agency in the service area and a notice of the application be sent to all city and county officials within whose boundaries the passengers will be loaded or unloaded. Applicant served a copy of the application on the 15 involved counties, three airports, the regional transportation planning agency and 16 cities. Applicant believes the Commission's Daily Calendar provides adequate notice to parties that may have an interest in the application. Pursuant to Rule

1.2, the requirements of Rule 3.3(b) are waived because Applicant will be providing on-call service, not scheduled service, and service on all of the governmental entities required by Rule 3.3(b) would be burdensome.

In Resolution ALJ 176-3343, dated October 2, 2014, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3343.

Since the proposed service will reduce the number of vehicles on the public highways within the Counties of San Francisco, Contra Costa, Alameda, Santa Clara, Solano, Napa, Marin, Sonoma, San Joaquin, Monterey, Santa Cruz, San Mateo, Fresno, Stanislaus and Sacramento and the San Francisco (SFO), Oakland (OAK) and San Jose (SJC) International Airports, a California Environmental Quality Act review is not required because it can be seen with certainty that there is no possibility that the activity may have a significant adverse effect on the environment.

Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

Safety Considerations

In order to be authorized to commence operations as a PSC, the Applicant must comply with the following requirements in order to protect public safety: Proof of insurance pursuant to General Order Series 101, compliance with the controlled substance and alcohol testing program pursuant to Pub. Util. Code

§1032.1 and General Order Series 158, and enrollment in the pull notice system as required by Section 1808.1 of the Vehicle Code.

Assignment of Proceeding

Elizaveta I. Malashenko is the assigned Examiner in this proceeding.

Findings of Fact

1. The application requests authority to operate as an on-call PSC to transport passengers and their baggage between the San Francisco (SFO), Oakland (OAK) and San Jose (SJC) International Airports and points in the following Counties: San Francisco, Contra Costa, Alameda, Santa Clara, Solano, Napa, Marin, Sonoma, San Joaquin, Monterey, Santa Cruz, San Mateo, Fresno, Stanislaus and Sacramento.

2. Applicant requests a waiver of the notice requirements of Rule 3.3(b) of the Rules of Practice and Procedure as it has served a notice of the application on 15 involved counties, three airports, the regional transportation planning agency and 16 cities in the service area.

3. Applicant requests authority to establish a ZORF of \$25 above and below the proposed fare. The minimum fare will be \$20.

4. Applicant will compete with other PSCs, taxicabs, charter limousines and sedans, public transit, and private automobiles in his operations.

5. No protest to the application has been filed.

Conclusions of Law

1. Public convenience and necessity requires the proposed service.

2. Public convenience and necessity has been demonstrated and the application should be granted.

3. The request to waive the notice requirements of Rule 3.3(b) should be granted.

4. The request for a ZORF should be granted because the ZORF is fair and reasonable.

5. Before Applicant changes any fares under the ZORF authorized below, Applicant should give this Commission at least ten days' notice. The tariff should show the high and low ends of the ZORF and the then currently effective fare between each pair of service points.

6. A public hearing is not necessary.

7. A California Environmental Quality Act review is not required for this decision because it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment.

8. Because the matter is uncontested, the decision should be effective on the date it is signed.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Mohammad Marzi dba U.S. Traveler Shuttle, an individual, authorizing him to operate as a Passenger Stage Corporation (PSC), as defined in Pub. Util. Code § 226, to transport passengers and their baggage between the points and over the routes set forth in Appendix PSC-35303 below, subject to the conditions contained in the following paragraphs.

2. Mohammad Marzi dba U.S. Traveler Shuttle, shall:

- a. File a written acceptance of this certificate within 30 days after this decision is effective.
- b. Establish the authorized service and file tariffs and timetables within 120 days after this decision is effective.
- c. File tariffs on or after the effective date of this decision. The tariff shall become effective ten days or more after the effective date of this decision, provided that the Commission and the public are given not less than ten days' notice.
- d. Comply with General Orders Series 101 and 158, and the California Highway Patrol safety rules.
- e. Comply with the Commission's controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
- f. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so. Failure to comply with this filing will result in suspension and/or revocation of authority.
- g. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.

h. Enroll all drivers in the Pull Notice System as required by Vehicle Code § 1808.1.

3. Mohammad Marzi dba U.S. Traveler Shuttle, are authorized under Pub. Util. Code § 454.2 to establish a zone of rate freedom of \$25 above and below the proposed fares described in the application. The minimum fare will be \$20.

4. Mohammad Marzi dba U.S. Traveler Shuttle, shall file a zone of rate freedom (ZORF) tariff with the Commission and the public in accordance with the application at least ten days before the effective date of the tariff. The ZORF shall expire unless exercised within 120 days after the effective date of this decision.

5. Mohammad Marzi dba U.S. Traveler Shuttle may make changes within the zone of rate freedom by filing amended tariffs on not less than ten days' notice to the Commission and to the public. The tariff shall include the authorized maximum and minimum fares and the fare to be charged between each pair of service points.

6. In addition to posting and filing tariffs, Mohammad Marzi dba U.S. Traveler Shuttle, shall post notices explaining fare changes in its terminals and passenger-carrying vehicles. Such notices shall be posted at least ten days before the effective date of the fare changes and shall remain posted for at least 30 days.

7. Mohammad Marzi dba U.S. Traveler Shuttle (Applicant), are authorized to begin operations on the date that the Safety and Enforcement Division mails a notice to Applicant that its evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the California Highway Patrol has approved the use of Applicant's vehicles for service.

8. Before beginning service to San Francisco International Airport (SFO), Oakland International Airport (OAK), or San Jose International Airport (SJC),

Mohammad Marzi dba U.S. Traveler Shuttle (Applicant), shall notify each airport's governing body. Applicant shall not operate into or on airport property unless such operations are authorized by that airport's governing body.

9. The Certificate of Public Convenience and Necessity to operate as Passenger Stage Corporation (PSC) PSG-35303 granted herein, expires unless exercised within 120 days after the effective date of this decision.

10. The notice requirements of Rule 3.3(b) of the Commission's Rules of Practice and Procedure are waived.

11. The Application is granted as set forth above.

12. This proceeding is closed.

This decision is effective today.

Dated August 13, 2015, at San Francisco, California.

MICHAEL PICKER

President

MICHEL PETER FLORIO

CATHERINE J.K. SANDOVAL

CARLA J. PETERMAN

LIANE M. RANDOLPH

Commissioners

CERTIFICATE

OF

PUBLIC CONVENIENCE AND NECESSITY

AS A PASSENGER STAGE CORPORATION

PSC-35303

Showing passenger stage operative rights, restrictions,
limitations, exceptions, and privileges.

All changes and amendments as authorized by
the Public Utilities Commission of the State of California
will be made as revised pages or added original pages.

I N D E X

	Page
SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS, LIMITATIONS, AND SPECIFICATIONS	2
SECTION II. SERVICE AREA	3
SECTION III. ROUTE DESCRIPTIONS	3

SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS,
LIMITATIONS, AND SPECIFICATIONS.

Mohammad Marzi dba U.S. Traveler Shuttle, an individual, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, is authorized to transport passengers and their baggage on an "on-call" basis between the points described in Section II, over the routes described in Section III, subject, however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- a. When a route description is given in one direction, it applies to operation in either direction unless otherwise indicated.
- b. The term "on-call," as used, refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs shall show the conditions under which each authorized on-call service will be provided, and shall include the description of the boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.
- c. No passengers shall be transported except those having a point of origin or destination as described in Section IIB.
- d. This certificate does not authorize the holder to conduct any operation on the property of any airport unless such operation is authorized by the airport authority involved.

SECTION II. SERVICE AREA.

- A. Points in the Counties of San Francisco, Contra Costa, Alameda, Santa Clara, Solano, Napa, Marin, Sonoma, San Joaquin, Monterey, Santa Cruz, San Mateo, Fresno, Stanislaus and Sacramento.
- B. San Francisco International Airport (SFO), Oakland International Airport (OAK), and San Jose International Airport (SJC).

SECTION III. ROUTE DESCRIPTIONS

Commencing from any point described in Section IIA, then over the most convenient streets and highways to any airport described in Section IIB.